

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

FELIX POLONIA MORILLO
A/K/A EDDIE MERCADO
A/K/A JOSE LUIS SANTIAGO
(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: *mj05- m-242 JLA*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 10, 2003 in Suffolk county, in the

District of Massachusetts defendant ☒ did, (Track Statutory Language of Offense)
willfully and knowingly make a false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws,

in violation of Title 18 United States Code, Section ☒ 1542.

I further state that I am a(n) Special Agent, Dept. of State and that this complaint is based on the following facts:
Official Title

See attached affidavit of Michael Douglas Nolan.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Michael A. Nolan
Signature of Complainant

Sworn to before me and subscribed in my presence

6/23/05
Date



Boston, Massachusetts
City and State

LEO T. SOROKIN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Leo T. Sorokin
Signature of Judicial Officer

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency DEPT OF STATECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Felix Polonia Morillo Juvenile ☐ Yes ☒ No

Alias Name _____

Address _____

Birth date (Year only): 1968 SSN (last 4 #): _____ Sex M Race: _____ Nationality: Dominican

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

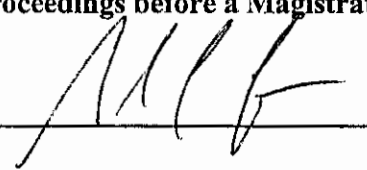
AUSA John A. Capin Bar Number if applicable 557277Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☒ Already in Federal Custody as immigration detainee in Puerto Rico☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: June 23, 2005Signature of AUSA: 

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District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Felix Polonia Morillo

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1542</u>	<u>Passport Fraud</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____

ADDITIONAL INFORMATION: _____

AFFIDAVIT OF MICHAEL DOUGLAS NOLAN

I, Michael Douglas Nolan, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service ("DSS"), and have been so employed since March 2005. My duties include the investigation of criminal violations of United States Code, including passport and visa fraud.

2. This affidavit is submitted in support of a criminal complaint charging Felix Polonia Morillo, a.k.a. Eddie Mercado, a.k.a. Jose L. Santiago ("Polonia Morillo"), with willfully and knowingly making a false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, in violation of Title 18, United States Code, Section 1542.

According to an immigration file maintained by Immigration and Customs Enforcement with regard to Polonia Morillo, he was born in the Dominican Republic in 1968.

3. The facts set forth in this affidavit are known to me from my involvement in the investigation of this case and from information and documents provided by other law enforcement officers. This affidavit is being submitted for the limited

purpose of establishing probable cause that Polonia Morillo committed the crime specified above and, as such, does not contain every fact I have gathered during this investigation.

4. On February 10, 2003, an man identifying himself Eddie Mercado executed an Application for a U.S. Passport (Form DS-11) at a U.S. Post Office in Roxbury, Massachusetts. (A copy of the Form submitted in the name of Eddie Mercado is attached hereto as Exhibit A.) As proof of identity and U.S. citizenship the man who claimed to be Eddie Mercado presented Massachusetts Driver's License #583553684, a U.S. social security card bearing the number 583-55-3684, and a Puerto Rico birth certificate. On the Form DS-11, the man claimed that his social security number was 583-55-3684. The Form DS-11 bore the photograph of the man identifying himself as Eddie Mercado. The man who claimed to be Eddie Mercado signed and swore to the veracity of the Form DS-11 in the presence of a postal employee authorized to accept passport applications.

5. The photograph on the Form DS-11 submitted in the name of Eddie Mercado in Roxbury on February 10, 2003 appears to depict Polonia Morillo, based on an examination of the photograph of Polonia Morillo maintained in his immigration file. Moreover, a review of records pertaining to Eddie Mercado revealed that Mercado has a criminal record in New Jersey and Oklahoma.

Photographs and fingerprint exemplars of the person booked as Mercado do not match those of the man who submitted a Form DS-11 in Mercado's name in Roxbury on February 10, 2003. State Department records indicate that a U.S. Passport was issued to the true Mercado on November 28, 1986. The photograph of appearing in that passport does not depict the man who submitted a Form DS-11 in Mercado's name in Roxbury on February 10, 2003.

6. On November 17, 2004, Customs and Border Protection officers at JFK Airport in New York stopped and interviewed Polonia Morillo, who was traveling under, and carrying a U.S. passport in, the name of Jose Luis Santiago. Polonia Morillo arrived at JFK Airport on a flight returning from Santa Domingo. During the course of the interview, Polonia Morillo provided a sworn statement in which he admitted (a) that his true identity is Felix Polonia Morillo; (b) that he fraudulently obtained the passport he was carrying in the name of Jose Luis Santiago; and (c) that he has been living illegally in the United States since 1996.

7. Records maintained by Immigration and Customs Enforcement reveal that the U.S. passport in the name of Jose Luis Santiago, which was taken from Polonia Morillo on November 17, 2004, was issued after a Form DS-11 was submitted in Arlington Virginia on February 18, 2004. (A copy of the Santiago


Form DS-11 is attached hereto as Exhibit B.) The photograph affixed to the Santiago DS-11 appears to depict Polonia Morillo.

8. A comparison of fingerprints taken from Polonia Morillo after he was arrested at JFK Airport on November 17, 2004 to fingerprints of Polonia Morillo maintained by Immigration and Customs Enforcement demonstrates that the person arrested on November 17, 2004 was Felix Polonia Morillo, born in 1968 in La Vega, Dominican Republic. Immigration and Customs Enforcement ordered Polonia Morillo expeditiously removed from the United States and banned him from applying for entry into the United States for five years.

9. On June 12, 2005, Polonia Morillo was arrested attempting to enter the United States at San Juan, Puerto Rico. Claiming to be a U.S. citizen, he presented a Puerto Rico birth certificate in the name of Eddie Mercado Benabe. He is currently in the custody of Immigration and Customs Enforcement.


10. Based on the foregoing, there is probable cause to believe that, on February 10, 2003, Felix Polonia Morillo did willfully and knowingly make a false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to

such laws, in violation of Title 18, United States Code, Section 1542.


Michael Douglas Nolan
Special Agent
U.S. Department of State
Diplomatic Security Service

Sworn and subscribed to before me this 23rd day of June, 2005.




~~LEO A. SEROKIN~~ Joyce London Alexander
United States Magistrate Judge